

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CHRISTOPHER M. DEVINE,)
)
 Plaintiff,)
)
v.) CIVIL ACTION NO. 04-12186-NG
)
STOP AND SHOP COMPANIES,)
)
 Defendant.)
)

**DEFENDANT'S EX PARTE EMERGENCY MOTION FOR A
TEMPORARY RESTRAINING ORDER**

Pursuant to Fed.R.Civ.P. 65(b), the Defendant, the Stop and Shop Supermarket Company LLC ("Defendant" or "Stop and Shop"), respectfully moves this Court *ex parte* for a temporary restraining order ("TRO") against Plaintiff Christopher M. Devine ("Plaintiff" or "Devine"). In support of the instant motion, Defendant respectfully refers the Court to its accompanying Affidavit and its Memorandum of Law in support hereof. Specifically, Defendant requests that this Court:

A. Enter a Temporary Restraining Order, ordering Plaintiff:

- (1) not to harass, harm, or contact or communicate with, by any means, Stop and Shop employees Fatima Cabral, Diana Paris or Robert Slarve;
- (2) not to come within 100 yards of Stop and Shop employees Fatima Cabral, Diana Paris or Robert Slarve;
- (3) not to come within 100 yards of Stop and Shop's counsel, Daniel B. Klein.

B. Grant such other and further relief as this Court deems proper and just.

WHEREFORE, Stop and Shop respectfully requests that the Court grant its Motion for a Temporary Restraining Order and issue the requested TRO against Plaintiff.

Respectfully submitted,
STOP AND SHOP COMPANIES
By its Attorney(s),

/s/ Daniel B. Klein

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DATED: December 1, 2006